



General Assembly

Substitute Bill No. 984

January Session, 2015



**AN ACT CONCERNING THE UNIONIZATION OF NONPARTISAN
LEGISLATIVE MANAGEMENT EMPLOYEES AND STATE EDUCATION
RESOURCE CENTER EMPLOYEES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 5-270 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 When used in sections 5-270 to 5-280, inclusive:

4 (a) "Employer" means the state of Connecticut, its executive,
5 legislative and judicial branches, including, without limitation, any
6 board, department, commission, institution, or agency of such
7 branches or any appropriate unit thereof and any board of trustees of a
8 state-owned or supported college or university and branches thereof,
9 public and quasi-public state corporation, or authority established by
10 state law, or any person or persons designated by the employer to act
11 in its interest in dealing with employees, but shall not include the State
12 Board of Labor Relations or the State Board of Mediation and
13 Arbitration.

14 (b) "Employee" means any employee of an employer, whether or not
15 in the classified service of the employer, except (1) elected or
16 appointed officials other than special deputy sheriffs, (2) board and
17 commission members, (3) disability policy specialists assigned to the

18 Council on Developmental Disabilities, (4) managerial employees,
19 [and] (5) confidential employees, and (6) partisan staff members of the
20 legislative branch of the State of Connecticut.

21 (c) "Professional employee" means: (1) Any employee engaged in
22 work (A) predominantly intellectual and varied in character as
23 opposed to routine mental, manual, mechanical or physical work; (B)
24 involving the consistent exercise of discretion and judgment in its
25 performance; (C) of such a character that the output produced or the
26 result accomplished cannot be standardized in relation to a given time
27 period; (D) requiring knowledge of an advanced type in a field of
28 science or learning customarily acquired by a prolonged course of
29 specialized intellectual instruction and study in an institution of higher
30 learning or a hospital, as distinguished from a general academic
31 education or from an apprenticeship or from training in the
32 performance of routine mental, manual or physical processes; or (2)
33 any employee who has completed the courses of specialized
34 intellectual instruction and study described in subsection (c)(1)(D) and
35 is performing related work under the supervision of a professional
36 person to qualify himself to become a professional employee as
37 defined in subsection (c)(1).

38 (d) "Employee organization" means any lawful association, labor
39 organization, federation or council having as a primary purpose the
40 improvement of wages, hours and other conditions of employment
41 among state employees.

42 (e) "Confidential employee" means any public employee who would
43 have access to confidential information used in collective bargaining.

44 (f) "Supervisory employee" means any individual in a position in
45 which the principal functions are characterized by not fewer than two
46 of the following: (1) Performing such management control duties as
47 scheduling, assigning, overseeing and reviewing the work of
48 subordinate employees; (2) performing such duties as are distinct and
49 dissimilar from those performed by the employees supervised; (3)

50 exercising judgment in adjusting grievances, applying other
51 established personnel policies and procedures and in enforcing the
52 provisions of a collective bargaining agreement; and (4) establishing or
53 participating in the establishment of performance standards for
54 subordinate employees and taking corrective measures to implement
55 those standards, provided in connection with any of the foregoing the
56 exercise of such authority is not merely of a routine or clerical nature,
57 but requires the use of independent judgment, and such individuals
58 shall be employees within the meaning of subsection (b) of this section.
59 The above criteria for supervisory positions shall not necessarily apply
60 to police or fire departments.

61 (g) "Managerial employee" means any individual in a position in
62 which the principal functions are characterized by not fewer than two
63 of the following, provided for any position in any unit of the system of
64 higher education, one of such two functions shall be as specified in
65 subdivision (4) of this subsection: (1) Responsibility for direction of a
66 subunit or facility of a major division of an agency or assignment to an
67 agency head's staff; (2) development, implementation and evaluation
68 of goals and objectives consistent with agency mission and policy; (3)
69 participation in the formulation of agency policy; or (4) a major role in
70 the administration of collective bargaining agreements or major
71 personnel decisions, or both, including staffing, hiring, firing,
72 evaluation, promotion and training of employees.

73 Sec. 2. Section 10-357a of the general statutes is repealed and the
74 following is substituted in lieu thereof (*Effective October 1, 2015*):

75 (a) There is hereby established and created a body politic and
76 corporate, constituting a public instrumentality and political
77 subdivision of the state of Connecticut established and created to be a
78 public educational authority acting on behalf of the state of
79 Connecticut, to be known as the State Education Resource Center. The
80 center shall not be construed to be a department, institution or agency
81 of the state, except for purposes of chapter 68.

82 (b) (1) The powers of the center shall be vested in and exercised by a
83 board of directors, which shall consist of the following members: (A)
84 Four appointed by the Governor, with the advice and consent of both
85 houses of the General Assembly; (B) two appointed by the State Board
86 of Education, with the advice and consent of both houses of the
87 General Assembly; (C) one appointed by the president pro tempore of
88 the Senate; (D) one appointed by the majority leader of the Senate; (E)
89 one appointed by the minority leader of the Senate; (F) one appointed
90 by the speaker of the House of Representatives; (G) one appointed by
91 the majority leader of the House of Representatives; (H) one appointed
92 by the minority leader of the House of Representatives; and (I) the
93 Commissioner of Education, or the commissioner's designee. Each
94 member appointed by the Governor or the State Board of Education
95 shall serve at the pleasure of the Governor but not longer than the term
96 of office of the Governor or until the member's successor is appointed
97 and qualified, whichever term is longer. Each member appointed by a
98 member of the General Assembly shall serve in accordance with the
99 provisions of section 4-1a. Any appointed member who fails to attend
100 fifty per cent of all meetings of the board held during any calendar
101 year shall be deemed to have resigned from the board. Each
102 appointing authority shall make his or her initial appointment to the
103 board not later than August 15, 2014. The first meeting of the board
104 shall take place not later than September 15, 2014.

105 (2) The Governor shall appoint the chairperson of the board from
106 among the members of such board with the advice and consent of both
107 houses of the General Assembly. Such chairperson shall serve at the
108 pleasure of the Governor.

109 (3) The chairperson shall, with the approval of the members of the
110 board of directors, appoint an executive director of the center who
111 shall be an employee of the center and paid a salary prescribed by the
112 board. The executive director shall supervise the administrative affairs
113 and technical activities of the center in accordance with the directives
114 of the board.

115 (c) A majority of the appointed members of the board shall
116 constitute a quorum for the transaction of any business or the exercise
117 of any power of the State Education Resource Center. For the
118 transaction of any business or the exercise of any power of the center,
119 and except as otherwise provided in this section and sections 10-357b
120 to 10-357d, inclusive, as amended by this act, the center may act by a
121 majority of the members present at any meeting at which a quorum is
122 in attendance.

123 (d) Members shall receive no compensation for their services but
124 shall be entitled to reimbursement for such members' actual and
125 necessary expenses incurred during the performance of such members'
126 official duties. Members may engage in private employment, or in a
127 profession or business, subject to any applicable laws, rules and
128 regulations of the state regarding official ethics or conflict of interest. It
129 shall not constitute a conflict of interest for a trustee, director, partner
130 or officer of any person, firm or corporation, or any individual having
131 a financial interest in a person, firm or corporation, to serve as a
132 member of the board of directors of the center, provided such trustee,
133 director, partner, officer or individual shall comply with all applicable
134 provisions of chapter 10.

135 Sec. 3. Section 10-357b of the general statutes is repealed and the
136 following is substituted in lieu thereof (*Effective October 1, 2015*):

137 (a) The purposes of the State Education Resource Center,
138 established pursuant to section 10-357a, as amended by this act, shall
139 be to assist the State Board of Education in the provision of programs
140 and activities that will promote educational equity and excellence.
141 Such activities shall be limited to: Training, technical assistance and
142 professional development for local and regional boards of education,
143 school leaders, teachers, families and community partners in the form
144 of seminars, publications, site visits, on-line content and other
145 appropriate means; maintaining a state education resource center
146 library; publication of technical materials; research and evaluation;
147 writing, managing, administering and coordinating grants for the

148 purposes described in this subsection; and any other related activities
149 directly related to the purposes described in this subsection. The center
150 may support programs and activities concerning early childhood
151 education, in collaboration with the Office of Early Childhood,
152 improving school and district academic performance, and closing
153 academic achievement gaps between socio-economic subgroups, and
154 other related programs and activities. For such purposes the center is
155 authorized and empowered to:

156 (1) Have perpetual succession as a body politic and corporate and to
157 adopt bylaws for the regulation of its affairs and the conduct of its
158 business;

159 (2) Adopt an official seal and alter the same at pleasure;

160 (3) Maintain an office at such place or places as it may designate;

161 (4) Sue and be sued in its own name and plead and be impleaded;

162 (5) (A) [Employ] As an employer, as defined in subsection (a) of
163 section 5-270, as amended by this act, employ such assistants, agents
164 and other employees as may be necessary or desirable who shall [not]
165 be employees, as defined in subsection (b) of said section; [5-270;] (B)
166 establish all necessary or appropriate personnel practices and policies,
167 including those relating to hiring, promotion, compensation [,] and
168 retirement, [and collective bargaining, which need not be in
169 accordance with chapter 68, and the center shall not be an employer as
170 defined in subsection (a) of section 5-270] unless such personnel
171 practices and policies are otherwise subject to the provisions of a
172 collective bargaining agreement; and (C) engage consultants, attorneys
173 and appraisers as may be necessary or desirable to carry out its
174 purposes in accordance with this section and sections 10-357a, as
175 amended by this act, 10-357c and 10-357d;

176 (6) Receive and accept aid or contributions from any source of
177 money, property, labor or other things of value, to be held, used and
178 applied to carry out the purposes of this section and sections 10-357a,

179 as amended by this act, 10-357c and 10-357d, subject to such conditions
180 upon which such grants and contributions may be made, including,
181 but not limited to, gifts or grants from any department, agency or
182 instrumentality of the United States or this state for any purpose
183 consistent with this section and sections 10-357a, as amended by this
184 act, 10-357c and 10-357d;

185 (7) Make and enter into all contracts and agreements necessary or
186 incidental to the performance of its duties and the execution of its
187 powers under this section and sections 10-357a, as amended by this
188 act, 10-357c and 10-357d, including contracts and agreements for such
189 professional services as the center deems necessary, including, but not
190 limited to, those services provided by financial consultants,
191 underwriters and technical specialists;

192 (8) Acquire, lease, purchase, own, manage, hold and dispose of
193 personal property, and lease, convey or deal in or enter into
194 agreements with respect to such property on any terms necessary or
195 incidental to the carrying out of these purposes;

196 (9) Invest in, acquire, lease, purchase, own, manage, hold and
197 dispose of real property and lease, convey or deal in or enter into
198 agreements with respect to such property on any terms necessary or
199 incidental to carrying out the purposes of this section and sections 10-
200 357a, as amended by this act, 10-357c and 10-357d, provided such
201 transactions shall be subject to approval, review or regulation by any
202 state agency pursuant to title 4b or any other provision of the general
203 statutes;

204 (10) Procure insurance against any liability or loss in connection
205 with its property and other assets, in such amounts and from such
206 insurers as it deems desirable and to procure insurance for employees;

207 (11) Account for and audit funds of the center and funds of any
208 recipients of funds from the center;

209 (12) Hold patents, copyrights, trademarks, marketing rights,

210 licenses, or any other evidences of protection or exclusivity as to any
211 products as defined in this section and sections 10-357a, as amended
212 by this act, 10-357c and 10-357d, issued under the laws of the United
213 States or any state or any nation;

214 (13) Establish advisory committees to assist in accomplishing its
215 duties under this section and sections 10-357a, as amended by this act,
216 10-357c and 10-357d, which may include one or more members of the
217 board of directors and persons other than members; and

218 (14) Do all acts and things necessary or convenient to carry out the
219 purposes of this section and sections 10-357a, as amended by this act,
220 10-357c and 10-357d, and the powers expressly granted by this section
221 and sections 10-357a, as amended by this act, 10-357c and 10-357d.

222 (b) The State Education Resource Center shall establish a
223 Connecticut School Reform Resource Center either within the State
224 Education Resource Center or by contract through a regional
225 educational service center, established pursuant to section 10-66a. The
226 Connecticut School Reform Resource Center shall operate year-round
227 and shall focus on serving the needs of all public schools. The
228 Connecticut School Reform Resource Center shall (1) publish and
229 distribute reports on the most effective practices for improving student
230 achievement by successful schools; (2) provide a program of
231 professional development activities for (A) school leaders, including
232 curriculum coordinators, principals, superintendents and board of
233 education members, and (B) teachers to educate students that includes
234 research-based child development and reading instruction tools and
235 practices; (3) provide information on successful models for evaluating
236 student performance and managing student data; (4) develop
237 strategies for assisting such students who are in danger of failing; (5)
238 develop culturally relevant methods for educating students whose
239 primary language is not English; and (6) provide other programs and
240 materials to assist in the improvement of public schools.

241 (c) The State Education Resource Center shall be subject to (1) rules,

242 regulations and restrictions on purchasing, procurement, personal
243 service agreements and the disposition of assets generally applicable to
244 Connecticut state agencies, including those contained in titles 4, 4a and
245 4b, section 4e-19, and (2) audit by the Auditors of Public Accounts
246 under section 2-90.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	5-270
Sec. 2	<i>October 1, 2015</i>	10-357a
Sec. 3	<i>October 1, 2015</i>	10-357b

LAB *Joint Favorable Subst.*